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Message Text

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S E C R E T SECTION 1 OF 3 MANILA 9145

EXDIS

FOR HOLBROOKE

E. O. 11652: GDS
TAGS: SHUM, RP
SUBJECT: HUMAN RIGHTS: DISCUSSION WITH PRESIDENT

REFS: A. STATE 132963; B. STATE 135544; C. MANILA 7791;
D. MANILA 9011

1. SUMMARY: I MET WITH PRESIDENT MARCOS JUNE 14 TO DISCUSS HUMAN RIGHTS PER REFTEL INSTRUCTIONS. CIRCUMSTANCES WERE NOT IDEAL; SINCE HE WAS DEPARTING FOR A MUST CEREMONY AND WE HAD ONLY TWENTY MINUTES. NONETHELESS, I DUMPED THE ENTIRE LOAD AND THEM SOME. MARCOS SAID HE WOULD PONDER MY REMARKS, AND WE COULD DISCUSS IT FURTHER BEFORE THE INTELLIGENCE BRIEFING SCHEDULED FOR JUNE 20. MARCOS' REACTION WAS ESSENTIALLY DEFENSIVE. IT WAS NOT AN EASY MEETING. END SUMMARY..

2. I OPENED BY REFERRING TO THE WORLD WAR II BATTLE OF BESANG PASS IN WHICH HE FOUGHT AND WHICH HE WAS COMMEMORATING IN CEREMONIES AT NOON TODAY. THAT EVOKED THE ONLY SMILE AND CHIT-CHAT OF OUR MEETING. I ADDED THAT MY TOPIC TODAY CONCERNED AN EVEN MORE CRUCIAL BATTLE YET TO BE FOUGHT, AGAINST EGREGIOUS ABUSES OF PERSONAL HUMAN RIGHTS. I NOTED MY SUBJECT HAD BECOME CONSIDERABLY MORE INVOLVED
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THAN WHEN ON JUNE 9 I HAD INITIALLY REQUESTED AN APPOINT-MENT TO DISCUSS AN ORAL MESSAGE TO HIM FROM ASSISTANT SECRETARY HOLBROOKE. I SAID THAT SUBSEQUENTLY I HAD RECEIVED AN ANALYSIS OF RECENT INFORMATION AVAILABLE IN WASHINGTON CONCERNING HUMAN RIGHTS ABUSES WHICH I WOULD LIKE TO PRESENT IN SUMMARY, NOT ON INSTRUCTIONS, BUT IN AN EFFORT TO HELP HIM UNDERSTAND THE BACKGROUND AGAINST

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WHICH THE WASHINGTON PERSPECTIVE ON HUMAN RIGHTS IN THE PHILIPPINE EVOLVES. THEREAFTER, I WOULD PASS TO HIM A RELATED SECOND MESSAGE FROM HOLBROOKE. FINALLY, IF HE STILL HAD THE TIME AND THE PATIENCE, AND I WAS STILL PERSONA GRATA, I WOULD LIKE TO ADD A FEW CONCLUDING OBSERVATIONS ON MY OWN BEHALF. ALREADY LOOKING A LITTLE GRIM, MARCOS AGREED THAT I MIGHT PROCEED.

3. I READ TO MARCOS PARA 3A THROUGH C OF REF A, AND NOTING THAT I WAS AN ORAL MESSAGE, I NONETHELESS PASSED TO HIM A COURTESY COPY OF WHAT I HAD READ. BY WAY OF BACKGROUND I ALSO READ TO HIM PARA 2 OF REF A FROM THE FIRST SENTENCE, ALSO THE SECOND SENTENCE BEGINNING WITH "ALTHOUGH OBVIOUSLY" TO THE END, AND THE THIRD SENTENCE BEGINNING WITH "WE WISH" TO THE END, OMITTING MOST DELIBERATELY "BEFORE SECRETARY SENDS LETTER TO MARCOS AS YOU SUGGESTED." I ALSO READ PARA 2, IN ITS ENTIRETY, DELETING ONLY THE LAST THREE WORDS.

4. BEFORE PRESENTING THE "SUMMARY ANALYSIS," I RECALLED THAT PHILIPPINE-AMERICAN CULTURAL, INSTITUTIONAL AND PERSONAL CONTACTS ARE BOTH INTENSIVE AND EXTENSIVE, HERE AND IN THE U.S., DIRECTLY AND THROUGH THIRD PARTIES. THESE CONTACTS, INCLUDING AS THEY DO GOVERNMENT, CHURCH, BUSINESS, ACADEMIC, MILITARY, VETERANS, FAMILY, ETC. CONSTITUTE A VERITABLE INTERPENETRATION OF SOCIETIES, AND AS A CONSEQUENCE AND NOT SURPRISINGLY A LOT OF INFOR-MATION AND OPINION MOVES BACK AND FORTH. WITH HUMAN RIGHTS MUCH IN THE NEWS, IT ALSO IS NOT SURPRISING THAT THE SUBJECT

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SHOULD BE AN IMPORTANT FOCUS OF SUCH INTERCHANGE. NOTING THAT AN ATTEMPT HAS BEEN MADE TO ANALYZE SOME OF THE MOST RECENT AND CREDIBLE OF SUCH INFORMATION AVAILABLE IN WASHINGTON AND PERTAINING TO THE PRACTICE OF TORTURE, I PRESENTED THE "RESULTS" IN SUMMARY AS FOLLOWS.

A. METROCOM IS PERMEATED FROM THE TOP DOWN BY PERSONNEL, ATTITUDES AND PRACTICES THAT CONDONE, SUPPORT AND PROTECT THE REGULAR USE OF TORTURE TO EXTRACT INFORMATION FROM PRISONERS.

B. THE PRACTICE OF TORTURE OCCURS NOT ONLY IN THE MANILA AREA BUT ALSO AND MOST ESPECIALLY IN THE PROVINCES WHERE PHILIPPINE CONSTABULARLY UNITS TAKE THEIR CUE FROM THE

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S E C R E T SECTION 2 OF 3 MANILA 9145

EXDIS

FOR HOLBROOKE

METROCOM MODEL.

C. NO ONE BELIEVES THAT ONLY TWO LIEUTENANTS AND ONE ENLISTED MAN ARE RESPONSIBLE FOR THE TORTURE OF MRS. HERRERA; INDEED THE IDENTITY OF THE SUPERVISING CAPTAIN AND OTHER SENIORS INVOLVED IS WIDELY KNOWN.

D. EVERYONE EXPECTS THE HERRERA INVESTIGATION AND COURT-MARTIAL TO BE RESISTED EVERY STEP OF THE WAY BY METROCOM AND FAILING THAT TO HAVE THE SENTENCES COMMUTED AS IS CUSTOMARY IN SUCH CASES, E.G., ONE LIEUTENANT "HOT IRON" SPECIALIST A YEAR AGO, AND ONE NOTORIOUS MAJOR WHO NEVER WAS COURT-MARTIALED. MARCOS ASKED FOR THE NAMES, AND I SAID I HAD THEM BUT NOT WITH ME AND, IN ANY EVENT, I WAS NOT DETAILING ALLEGATIONS BUT THAT THESE APPARENTLY ARE WIDELY HELD OPINIONS.

E. A MAJOR CONCLUSION BEING DRAWN BY THE INTELLIGENCE SERVICES AND UNITS CONCERNED IS THAT IT IS BEST TO EXECUTE PERSONS AFTER TORTURE; SINCE "DEAN MEN/WOMEN TELL NO TALES." THE IDEA OF ESHEWING TORTURE DOES NOT SEEM TO BE GETTING ACROSS.

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5. I COMMENTED THAT:

A. THERE IS MORE SUCH INFORMATION IN MUCH MORE DETAIL AND FROM SO MANY SOURCES AS TO BE MOST PERSUASIVE.

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B. WE DO NOT PRESUME, OF COURSE, TO INVESTIGATE CASES, DETAIL CHARGES OR SUGGEST SPECIFIC REMEDIES. ONLY HE CAN DO THAT.

C. WE DO, HOWEVER, SEE TORTURE AS A SERIOUS AND EXPLOSIVE PROBLEM IN OUR RELATIONS.

I THEN READ HOLBROOKE'S SECOND MESSAGE (REFTEL B) BEGINNING IN THE SECOND SENTENCE FROM "I SUGGEST" TO THE END OF THE TEXT.

6. I MADE THE FOLLOWING "PERSONAL" OBSERVATIONS:

A. IF AMY EWDGMENT, HUMAN RIGHTS IS THE ONE MAJOR ISSUE THAT CAN UNDERMINE EVERYTHING ELSE IN PHILIPPINE-AMERICAN RELATIONS.

B. AT THE SAME TIME IT IS A MAJOR OPPORTUNITY QUALI-TATIVELY EVEN DRAMATICALLY TO IMPROVE THOSE RELATIONS. HE ALREADY HAS TAKEN SEVERAL SIGNIFICANT STEPS IN THAT DIRECTIONS.

C. I THINK HE KNOWS THAT I HAVE BEEN WORKING TOWARD IMPROVEMENTS. I EVEN PUT DOWN ON PAPER SOME OF MY OWN IDEAS ABOUT A SHORT-TERM STRATEGY FOR DEALING WITH THE PROBLEM WHICH I DISCUSSED WITH MRS. MARCOS AT LUNCHEON ON MAY 21 (REFTEL C). MARCOS ACKNOWLEDGED THAT HIS WIFE HAD MENTIONED THAT DISCUSSION AND HAD GIVEN HIM A COPY OF MY PAPER. HOWEVER, SEEING THAT I HAD THE PAPER IN HAND, HE ASKED IF HE MIGHT HAVE ANOTHER COPY. NOTING THE REFERENCE IN THE PAPER TO THE LONG-STANDING CAUSE CELEBRE OF AQUINO/

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LOPEZ ET AL, MARCOS SAID THAT SINCE THE CASE HAD ATTRACTED SO MUCH ATTENTION, IT WOULD BE NECESSARYTO LET THE TRIAL RUN ITS COURSE.

7. STILL IN THE "PERSONAL" MODE I SAID THAT I THINK I CAN REPORT THAT WASHINGTON WANTS TO BELIEVE THAT IN HIM IT HAS A SUPPORTER AND ALLY IN THE PROMOTION OF HUMAN RIGHTS. SOME OF OUR PEOPLE EVIDENTLY ARE ENCOURAGED; OTHERS REMAIN SKEPTICAL. THE PROBLEM, OF COURSE, IS CREDIBILITY. THERE ARE TWO ASPECTS:

A. CONTRARY REPORTS: AS PREVIOUSLY NOTED, AND

B. INCONSISTENCIES AND GAPS IN THE LOGIC OF THE PHILIPP-INE SITUATION, E.G., IT IS DOUBTFUL ON THE FACE OF IT THAT ONLY THREE RELATIVELY JUNIOR MILITARY PERSONNEL TORTURED

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MRS. HERRERA WITHOUT THE KNOWLEDGE, SUPPORT OF ACQUIES-
CENCE OF OTHERS, INCLUDING THOSE MORE SENIOR. MARCOS
INTERJECTED THAT ONLY THE THREE HAD BEEN IDENTIFIED.
THIS CREDIBILITY GAP, I SAID, SEEMS TO ME TO MAKE IT ALL
THE MORE NECESSARY VIGIROUSLY AND PERSISTENTLY TO ROOT
OUT ABUSES OF HUMAN RIGHTS, PARTICUALRLY THE MOST EGREGIOUS
ABUSES, AND MOST ESPECIALLY ACTS AGAINST THE PERSON,
TORTURE AND SUCH. TORTURE WILL OUT, THAT IS A FACT OF
LIFE, AND A HEALTHY VENTILATION WITHIN A SOCIETY. IT CAN
BE A GOOD THING. AFTER ALL, PRESIDENT CARTER WAS ELECTED
AS THE SPOKESMAN OF A NO LONGER SILENT MAJORITY APPALLED BY
WATERGATE. MORE SPECIFICALLY, I SUGGESTED, CONSIDER THE
WORLD PEACE THROUGH LAW CONFERENCE SCHEDULED TO BE HELD
IN MANILA WITH THOUSANDS OF JURISTS ATTENDING. THEY WILL
COME TO KNOW ABOUT SUCH MATTERS. THEY ALSO WILL BE MADE

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EXDIS

FOR HOLBROOKE

AWARE OF ANY VIGOROUS AND EFFECTIVE EFFORTS TO DEAL WITH
THE PROBLEM.

8. I CONCLUDED WITH THE OBSERVATION THAT I TRUST MARCOS
UNDERSTANDS THAT WHAT I SAID TODAY HAS BEEN SAID AS A
FRIEND, THAT I WANT AND INTEND TO BE HELPFUL, AND THAT
I AM PREPARED TO GO TO BAT WHENEVER AND WHEREVER THE
RECORD PERMITS.

9. IN THE BRIEF RESPONSE THAT FOLLOWED, MARCOS DENIED
WHAT HE TOOK WAS THE IMPLICATIONS THAT TORTURE IS AN
APPROVED POLICY AND NOT AN ABERRATION WITHIN THE PHILIPPINE
MILITARY FORCES. HE SAID HE COULDN'T ACCEPT THAT THE

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MILITARY FORCES WERE GENERALLY INVOLVED. THE MILITARY IS
NOT SO BAD, HE SAID, THEY COULDN'T BE AND STILL HAVE PROVEN
SO EFFECTIVE AGAINST THE GUERRILLAS. MOREOVER, THE PHILIP-
PINE PEOPLE WOULDN'T STAND FOR THAT KIND OF BEHAVIOR. I
REPLIED THAT THE CONTENTION IS RATHER THAT TORTURE APPEARS
TO BE AN ACCEPTED PRACTICE WITHIN CERTAIN ELEMENTS AND
UNITS, MOST PARTICULARLY METROCOM. MARCOS SAID THIS WAS
THE CONTENTION OF AMNESTY INTERNATIONAL, WHICH HE REJECTED.
AT THE SAME TIME, HE ACKNOWLEDGED THAT SUCH PARCTICES MIGHT
OCCUR AS ABERRATIONS DOWN THE LINE IN METROCOM. I SAID
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THAT THE SUGGESTION SEEMS TO BE THAT SUCH PRACTICES WERE
CONDONED OR AT LEAST ACQUIESCED IN BY METROCOM FROM THE
TOP DOWN. MARCOS THEN REFERRED VAGUELY TO APPARENTLY
PREVIOUS ALLEGATIONS ABOUT METROCOM COMMANDER BRIGADER
GENERAL OLIVARES WHICH, HOWEVER, HAD BEEN DISMISSED FOR
LACK OF SUBSTANCE, AND MUSED THAT PERHAPS THEY WOULD HAVE
TO BE REEXAMINED.

10. MARCOS ALSO WONDERED ABOUT THE REPORTS FROM WHICH
THE "SUMMARY ANALYSIS" WAS DERIVED. HE ASKED FOR DETAILS,
CHAPTER AND VERSE, THAT HE COULD ACT UPON. I SAID THAT
HE WAS IN THE BEST POSITION TO GET AT THE FACTS OF THE
SITUATION. REVEALINGLY PERHAPS, HE DISAGREED, NOTING
THAT FILIPINOS MIGHT BE MORE WILLING TO REGISTER SUCH
COMPLAINTS WITH US THAN GO TO THE PHILIPPINE AUTHORITIES
AND RISK RETRIBUTION. MARCOS THEN ASKED AGAIN IF WE COULD
PROVIDE HIM WITH SOMETHING TO WORK WITH "NOT SOURCES, BUT
LEADS" THAT COULD BE FOLLOWED UP BY HIM. I PROMISED TO
REPORT THIS REQUEST WHILE AT THE SAME TIME NOTING MY DOUBTS
THAT IT WOULD BE CONSIDERED AN APPROPRIATE FUNCTION FOR US
TO BECOME INVOLVED IN.

10. COMMENT: MARCOS REMAINED COLLECTED, AS MIGHT BE
EXPECTED, THROUGHOUT THE DISCUSSION, EVEN NOTABLY SO CON-
SIDERING THE SENSITIVITY OF THE SUBJECT MATTER, THE
DECIDELY FIRM, IF FRIENDLY, PRESENTATION, AND THE HOBSON
CHOICES IT POSES FOR HIM. NONETHELESS, I DETECTED SOME
CONSIDERABLE AGITATION BENEATH THE CONTROLLED EXTERIOR. I
CONSIDER IT TO HAVE BEEN A MAKE OR BREAK DISCUSSION AND
REGRET THAT IT DID NOT TAKE PLACE UNDER MORE AUSPICIOUS
CIRCUMSTANCES. BUT THE LIMITED TIME AVAILABLE MAY EVEN
PROVE ADVANTAGEOUS BY GIVING MARCOS AN INTERVAL TO PONDER
WHAT WAS SAID BEFORE MAKING A MORE DEFINITIVE RESPONSE.
IN ANY EVENT, HE DID NOT THROW ME OUT OF THE OFFICE, AND
I AM MIDLY ENCOURAGED BY HIS SUGGESTION THAT WE DISCUSS
THE MATTER FURTHER PRIOR TO THE INTELLIGENCE BRIEFING WE
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HAVE SCHEDULED FOR HIM ON JUNE 20.

11. AS REPORTED REF D, I BELIEVE IT IS ESSENTIAL THAT WE GET ACROSS TO MARCOS THAT "TORTURE WILL OUT" ALONG WITH OTHER EGREGIOUS ABUSES OF HUMAN RIGHTS AND THAT THE ONLY WAY TO PROTECT HIMSELF AGAINST SUCH DAMAGING DISCLOSURES WILL BE TO GO HARD AFTER THE ABUSES. I CONSIDER THAT THE FIRST PORTION OF THAT PROPOSITION PROBABLY WAS FIRMLY ESTABLISHED IN THE DISCUSSION TODAY. AT LEAST MARCOS HAS BEEN PUT FAIRLY ON NOTICE. AS TO THE SECOND PORTION, IT REMAINS TO BE SEEN HOW HE WILL FACE UP TO THE INEVITABLE CHOICE OF MOVING DECISIVELY TO ROOT OUT THE EGREGIOUS ABUSES OR OF SUFFERING THE CONSTRAINTS AND HAZARDS THAT SUCH PRACTICES CONSTITUTE IN HIS RELATIONS WITH THE CARTER ADMINISTRATION.

12. HERETOFORE, MARCOS MAY HAVE ASSUMED THAT HE COULD DAMPEN DOWN THESE ABUSES OF PERSONAL RIGHTS FOR THE BENEFIT OF THE AMERICANS, WHILE RETAINING THE "SECURITY BENEFITS" OF CONFESSIONS EXTRACTED UNDER THE EXPECTATION, THREAT AND FACT OF TORTURE, AND AVOIDING AN UNPLEASANT CONFRONTA-TION WITH OLD CRONIES AND VALUED INTELLIGENCE OFFICERS. WE HAVE NOW IN EFFECT TOLD HIM THAT THERE NO LONGER IS ANY PLACE TO HIDE. THIS COMBINED WITH OUR PREVIOUS ASSERTION OF ABSOLUTE COMMITMENT TO HUMAN RIGHTS AND HIS OWN RECENT SPLENDID RHETORIC ON THE SUBJECT, PUTS HIM VERY MUCH ON THE SPOT. IF HE OPTS TO MOVE TOWARD AND WITH US, MANILE COULD BE A VERY PLEASANT ASSIGNMENT FOR THE NEXT AMERICAN AMBASSADOR, IF NOT, EVEN THIS MERE CHARGE D'AFFAIRES A.I. MAY FIND HIS PERSONAL CAPITAL WITH THE REGIME WEARING RAPIDLY THIN.

13. MEANWHILE, I WOULD APPRECIATE THE DEPARTMENT'S GUIDANCE AS TO HOW TO RESPOND TO MARCOS' REQUEST FOR LEADS TO HELP HIM ROOT OUT ABUSES OF HUMAN RIGHTS. THE SUGGESTION SEEMS DISINGENUOUS OR DESPARATE, AND WOULD SEEM IN EFFECT

TO SHIFT THE INITIAL BURDEN TO US. I DON'T SEE HOW WE CAN ACCEPT THAT, BUT WOULD BE INTERESTED IN HEARING THE DEPARTMENT'S VIEWS, HOPEFULLY BEFORE JUNE 20.

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